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June 18, 2019

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VIA EMAIL ONLY

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Re: Public Records Act Request dated June 5, 2019
File No. 19-MCSO-106

DEPUTIES

Colleen McGrath
ADMINISTRATIVE SERVICES
OFFICER

Dear Mr. Sinyangwe,

This office represents the Marin County Sheriff's Office. We are in receipt of your Public Records Act request, dated June 5, 2019. The following is our response.

As a preliminary matter, to the extent the requested records contain any confidential personal or medical information that is exempt under the California Public Records Act, individual privacy rights under the United States Constitution, individual privacy rights under the California State Constitution, or any Federal or State confidentiality or medical information privacy statute, such protected information has been redacted prior to the document's disclosure. (Government Code section 6254(k), incorporating United States Constitution and California Constitution.)

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Further, to the extent applicable, responsive documents pursuant to your request will not be produced based on the following:

1. Preliminary drafts exempt from disclosure pursuant to Government Code Section 6254(a).
2. Confidential information protected by the attorney-client privilege or attorney work product doctrine. Government Code Section 6254(k) and Evidence Code Section 950 et seq.
3. Records, the disclosure of which is exempted or prohibited pursuant to federal or state law. Government Code Section 6254(k).
4. Records exempt because the public interest in withholding the records clearly outweighs the public interest in disclosure of the records. Government Code Section 6255.

5. Records exempt from disclosure as investigative and intelligence information. Government Code Section 6254(f).
6. Exempt from disclosure based on the deliberative process privilege and mental processes privilege. Government Code Section 6255.
7. Exempt from disclosure based on pending claims or litigation. Government Code Section 6254 (b).

Request No. 1: The total number of sheriff's deputy use of force incidents, broken down by type of force used, between 2013-2018 (separated by year).

Response to Request No. 1: Under the California Public Records Act (Cal. Gov't Code §§ 6250, et seq.), a public entity must provide the public access to existing, disclosable public records. However, it does not require public entities to provide information, answer questions, complete submitted documents, or create new documents. The Marin County Sheriff's Office does not manage its records based on criteria such as use of force incidents. Accordingly, the Marin County Sheriff's Office does not have any responsive documents to this request.

Request No. 2: The total number of people that deputies used force against, between 2013-2018 (separated by year).

Response to Request No. 2: Under the California Public Records Act (Cal. Gov't Code §§ 6250, et seq.), a public entity must provide the public access to existing, disclosable public records. However, it does not require public entities to provide information, answer questions, complete submitted documents, or create new documents. The Marin County Sheriff's Office does not manage its records based on criteria such as use of force incidents. Accordingly, the Marin County Sheriff's Office does not have any responsive documents to this request.

Request No. 3: The total number of use of force complaints reported between 2013-2018 (separated by year).

Response to Request No. 3: Under the California Public Records Act (Cal. Gov't Code §§ 6250, et seq.), a public entity must provide the public access to existing, disclosable public records. However, it does not require public entities to provide information, answer questions, complete submitted documents, or create new documents. The Marin County Sheriff's Office does not manage its records based on criteria such as use of force incidents. Accordingly, the Marin County Sheriff's Office does not have any responsive documents to this request.

Request No. 4: The total number of use of force complaints sustained between 2013-2018 (separated by year).

Response to Request No. 4: Under the California Public Records Act (Cal. Gov't Code §§ 6250, et seq.), a public entity must provide the public access to existing, disclosable public records. However, it does not require public entities to provide

information, answer questions, complete submitted documents, or create new documents. The Marin County Sheriff's Office does not manage its records based on criteria such as use of force incidents. Accordingly, the Marin County Sheriff's Office does not have any responsive documents to this request.


Request No. 5: The policy manual of the sheriff's department.

Response to Request No. 5: The requested document can be found on the Marin County Sheriff's Office's website, <https://www.marinsheriff.org>.

Request No. 6: The current union contract between the city and any sheriff's deputy/police officer unions.

Response to Request No. 6: The requested document can be found on Marin County's website, <https://www.marincounty.org>.

Sincerely,



Kerry Gerchow
Deputy County Counsel

cc: Lt. Jeff Edwards